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7
8 **BEFORE THE FAIR POLITICAL PRACTICES COMMISSION**
9 **STATE OF CALIFORNIA**

10
11 In the Matter of:

FPPC No. 07/293

12 **STIPULATION, DECISION AND ORDER**

13 **MICHAEL RUBIO,**

14
15 Respondent.

16
17 **STIPULATION**

18 Complainant Roman G. Porter, Executive Director of the Fair Political Practices Commission,
19 and Respondent Michael Rubio hereby agree that this Stipulation will be submitted for consideration by
20 the Fair Political Practices Commission at its next regularly scheduled meeting.

21 The parties agree to enter into this Stipulation to resolve all factual and legal issues raised in this
22 matter and to reach a final disposition without the necessity of holding an additional administrative
23 hearing to determine the liability of Respondent.

24 Respondent understands, and hereby knowingly and voluntarily waives, any and all procedural
25 rights set forth in Government Code sections 83115.5, 11503 and 11523, and in California Code of
26 Regulations, title 2, sections 18361.1 through 18361.9. This includes, but is not limited to the right to
27 personally appear at any administrative hearing held in this matter, to be represented by an attorney at
28 Respondent's own expense, to confront and cross-examine all witnesses testifying at the hearing, to

1 subpoena witnesses to testify at the hearing, to have an impartial administrative law judge preside over
2 the hearing as a hearing officer, and to have the matter judicially reviewed.

3 It is further stipulated and agreed that Respondent Michael Rubio violated the Political Reform
4 Act by failing to timely report income from his spouse's salary on his 2006 annual Statement of
5 Economic Interests, in violation of Government Code Sections 87200 and 87203 (1 count), and by
6 making a governmental decision in which he had a financial interest, in violation of Government Code
7 Section 87100 (1 counts) and, as described in Exhibit 1, which is attached hereto and incorporated by
8 reference, as though fully set forth herein. Exhibit 1 is a true and accurate summary of the facts in this
9 matter.

10 Respondent agrees to the issuance of the Decision and Order, which is attached hereto. Also,
11 Respondent agrees to the Commission imposing upon him an administrative penalty in the amount of
12 Three Thousand Five Hundred dollars (\$3,500). A cashier's check from Respondent in said amount,
13 made payable to the "General Fund of the State of California," is submitted with this Stipulation as full
14 payment of the administrative penalty and shall be held by the State of California until the Commission
15 issues its Decision and Order regarding this matter. The parties agree that in the event the Commission
16 refuses to accept this Stipulation, it shall become null and void, and within fifteen (15) business days
17 after the Commission meeting at which the Stipulation is rejected, all payments tendered by Respondent
18 in connection with this Stipulation shall be reimbursed to Respondent. Respondent further stipulates and
19 agrees that in the event the Commission rejects the Stipulation, and a full evidentiary hearing before the
20 Commission becomes necessary, neither any member of the Commission, nor the Executive Director,
21 shall be disqualified because of prior consideration of this Stipulation.

22 Dated: _____

Roman G. Porter, Executive Director
Fair Political Practices Commission

25 Dated: _____

Michael Rubio, Respondent

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IT IS SO ORDERED.

Dan Schnur, Chairman
Fair Political Practices Commission